

**SECURITY OF LIFE AND PROPERTY IN ISLAM AND ATROCITIES OF BOKO
HARAM IN NIGERIA: A *MAQASIDI* PERSPECTIVE**

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Abstract

Like many other countries Nigeria, is bedevilled with serious security challenges resulting from heinous activities of terrorism being carried out by the deadly sect, Boko Haram. Right from her emergence till date, this militant group has been terrorizing lives and properties of innocent citizens of the country, all in the name of Islam, and better still, under the guise of Jihad. But, this claim of fighting for the religion is baseless in the light of the sect's wanton violation of life and property, which are two of the five necessary human interests (*maqasid daruriyyah*) which the law of Islam (Shari'ah) seeks to protect. Therefore, this paper studies life and property as inviolable human rights from the perspective of *maqasid al-shari'ah* (Objectives of Shari'ah). Relevant materials were consulted in libraries to carry out the research. *Inter alia*, it becomes clear from the findings that the sacredness of life and property is well articulated in the Qur'an and Sunnah. In addition, both sources contain various rules and regulations and measures to protect them. It concludes that nothing, in Islam, can justify violation of life and property which is being perpetrated by Boko Haram in Nigeria. Hence, the group's claim of working or fighting for Islam is far from the truth as it undermines the theory of Maqasid al-Shari'ah which is about *maslahah* i.e. human welfare.

Keywords: Boko Haram, *maqasid al-shari'ah*, *maslahah*, human rights, security, life, property.

Introduction

Humankind is distinct among numerous creatures of the Supreme Creator, mainly because of his intellectual capacity with which Allah has endowed him. Apparently, it was this intellectual capacity that prompted man to shoulder huge responsibility as the vicegerent of the Almighty Creator on earth. Thus he has been assigned to worship the Merciful God and populate the earth in accordance with rules and regulations stipulated in the Divine Law, i.e. Shari'ah. Accordingly, given his many religious and social duties on earth, man has been supplied with adequate provisions he needs just to discharge his task which is numerous and onerous. He enjoys certain benefits (*maṣlahah*) and rights which must not be violated except in exceptional cases specified ONLY by the Lawgiver. The rights he enjoys include right to religion, life, intellect, family, and property. In essence, these five human values are necessary objectives (*maqāsid daruriyyah*) which the Islamic law seeks to achieve through its various commands and prohibitions. For the protection of those rights certain rules and regulations have been put in place, to which man must adhere in order to achieve the purpose. Also, the Lawgiver has proscribed some penalties against whoever undermines any of those rights.

Against this background, this paper seeks to discuss life and property as fundamental human rights in Islamic law. This is borne out of the fact that the duo is the most violated human rights in any human society, especially where law and order are not observed. More so, the recurrent violation of both rights in Nigeria by a certain insurgent group, i.e. Boko Haram, which is wrongly linked to the religion of Islam, calls for an exposition of the sacred nature of the two fundamental human rights in Islamic law. The use of religion to violate these rights under the guise of *jihad* is not only absurd but antithetical to the very principles of Islam which unequivocally consecrate the five fundamental human rights especially life and property. Islam, through its legal system, not only provides rules and regulations by which to protect these human rights, it also lays down certain principles to ensure their improvement. All these shall be studied in line with the theory of *Maqāsid al-Shari'ah*.

The Concept of Maqāsid al-Shari'ah

Before defining the theory of Maqāsid al-Shari'ah it is imperative to explain Shari'ah as a divine legal system which regulates worldly and mundane activities of Muslims. Both the Qur'an and the Sunnah (Prophetic traditions) serve as its primary sources, while Allah is the Supreme Lawgiver. Given its divine nature, Shari'ah is free from errors and inconsistencies which affect all man-made laws. Meanwhile, Maqāsid al-Shari'ah has been defined by different scholars in various ways. For instance, according to al-Fasi, it is "the ultimate purposes (of *sharī'ah*) and secrets put by the Lawgiver behind every rule of Islamic law".¹ On his part, al-Raysuni explained the theory as "the ultimate purposes laid down by the Lawgiver for the benefit of mankind".² Still, Muhammad al-Yubi has defined it as "meanings and wisdoms considered by the Lawgiver in the legislation generally and particularly with the

¹Allal al-Fasi, *Maqāsid al-Sharī'ah al-Islāmiyyah wa Makārimuhā*, (Dār al-Garb al-Islāmī, 5th edn, 1993), p. 7¹
²Al-Raysuni, *Naẓariyyāh al-Maqāsid 'inda al-Imām al-Shāṭibī*, (Herndon: International Institute of Islamic Thought, 4th edn., 1416/1995) p.19.

purpose of realizing human benefits”.³Last but not least, Nourdeddine al-Khadimi has conceived *Maqāṣid al-Sharī‘ah* as:

Meanings observed in the *sharī‘ah* rules...whether the meanings have to do with particular wisdoms, general benefits or general features. All these converge on a particular goal, namely, to assert worthiness of the Almighty Creator of worshipping and to realize benefit of the creature (mankind) in this world and the next.⁴

It is obvious that, despite the difference in expressions, all the above definitions explain the theory of *maqāṣid al-sharī‘ah* in terms of objectives, purposes, secrets or goals that lie behind every command and prohibition by the Lawgiver. These objectives are characterized with *maṣlaḥah* which presupposes the realization of benefits and repulsion of harms, all for the benefit of mankind.

Importantly, according to many classical jurists such as al-Juwaynī, al-Ghazālī, and al-Shāṭibī, life and property are among five higher objectives of Islamic law; others include religion, intellect, and progeny. This submission was an outcome of a comprehensive inductive study of the primary as well as secondary sources of Islamic law. What lends credence to the primacy of these five rights is the fact that upon violation of any of them the Lawgiver has sanctioned *hadd* punishment against the culprit. And no other rights are given similar protection and recognition in Islamic law. In addition to this, experience has shown that these five rights constitute basic interests of every human being.⁵

It is important to mention that the five higher objectives of Islamic legal system are rightly located in the category of *daruri* which is the first among the three categories of *maqasid al-shari’ah*. The second and third categories, namely *haji* and *tahsini* are fundamentally inferior to the category of *daruri*, principally because the latter has to do with those five things which are considered as necessary universals (*al-kullīyyah al-daruriyyah*) of humanity.

Conceptually, the five necessary universals (i.e. religion, life, intellect, progeny, and property) have been designated as values that must be protected and preserved in order for mankind to attain benefits of this life. They represent basic needs of life which people cannot do without in order to live safely and happily as individuals and as a community. Rather than being the results of mere intellectual and theological speculations or based on sheer theoretical abstractions, these values are “deeply rooted in the ontological and empirical reality of human nature and likewise constitute real and practical conditions necessary for human life”.⁶

³Muhammad al-Yubi, *Maqāṣid al-Sharī‘ah al-Islāmiyyah wa ‘Alāqatuhā bi al-‘Adillat al-Shar‘iyyah*, (Riyadh: Dār al-Hijrah, 1418 /1998), p. 37.

⁴Nuoureddine Mukhtar al-Khadimi, *al-Ijtihād al-Maqāṣidī*, (Riyadh: Maktabat al-Rushd, 1426/2005), p. 38.

⁵Kamali, Hashim Mohammad, *Principles of Islamic Jurisprudence*, (Malaysia: Ilmiah Publishers, 2009), p. 40

⁶Alwan, *al-Qiyam al-Ḍarūriyyah*, p. 95; El-Mesawi, “Maqāṣid al-Sharī‘ah: An Uṣūlī Doctrine or Independent Discipline”, p. 101.

The five necessary universals can thus be rightly considered as fundamental bases upon which all other rights rest. For instance, rights to education, freedom of expression and thought are all directly connected with the protection of intellect which entails functional use of reasoning faculty to acquire education for the development of man and his environment. Also, freedom of belief, thought, and speech are directly linked with the protection of religion which presupposes that every man is free to profess a religion of his choice.

The necessity of these five values for humankind may be explained thus: as for **religion**, history of man through ages has shown his consciousness of religious thought. To address recurrent metaphysical problem which encounters him every now and then, man cannot but feel inclined towards a particular form of religion which he holds in high esteem and for which he is prepared to make any sacrifice. This is because religion (i.e. Islam in this regard) gives meaning to man's life as it provides him with answers to ultimate questions on his origin, nature, the universe, his destiny, and his place in the world. In view of his latent religious consciousness, man may thus be regarded as "a fundamentally religious animal".⁷ Also, **life** is precious and its sanctity may not be violated without a just cause as in the case of retributive punishment (i.e. *qiṣāṣ*). As for **intellect**, it enables man to perceive, understand, and distinguish between different values. This is especially so when intellect is ably aided by revelation which provides it with guidance and right direction. **Progeny** is indispensable for continual existence and reproduction of human beings as vicegerents for whom Allah has put in place everything on the earth. Finally, **property** (wealth) is necessary for a good life, sound education and proper child rearing. Ultimately, the moment each of the above human values or interests is violated, life and all that gives it meaning becomes useless. In this regard, the end result will be ultimate annihilation and total destruction. This explains why the *sharī'ah* aims to protect them via the prescription of *ḥadd* punishment.

Emergence of Boko Haram

Boko Haram is a household name in Nigeria for negative reasons. It is associated with violence and destruction of life and property of the innocent Nigerians, irrespective of race religious and political affiliations. The emergence of this dreadful group can be discussed from two perspectives, namely as an ideological or attitudinal phenomenon and as a militant group. As an ideological attitudinal trend, the inception of Boko Haram could be traced back to the pre-independence period when the Northern people of Nigeria, who were/are mostly Muslims, stood against the British imperialists. They rejected everything about the colonial force including her system of education which was considered to be at variance with the Islamic system of education. Because of this, many parents objected to enrolling their wards

⁷Malik Bennabi, *The Qur'anic Phenomenon: An Essay of a Theory on the Qur'ān*, translated from Arabic by Mohamed El-Tahir El-Mesawi, (Kuala Lumpur: Islamic Book Trust, 2001), pp. 29-30. For details on the meaning of religion, see, Muhammad Abdullah Draz, *al-Dīn: BuḥūthMumahhadah li DirāsātTārīkh al-Adyān*, (Kuwait: Dar al-Qalam, n.d.).

in the schools established by the British colonial masters. This negative attitude towards western education was premised on the belief that once a Muslim child studied in the western system of education he would be Christianized as a result. This belief was not unconnected with the fact that western education was introduced into Nigeria by Christian missionaries obviously with dual purpose, namely to promote literacy and to spread Christianity. In view of the presumed danger which the western education posed to their most cherished religion, i.e. Islam, many northerners therefore declared that Boko Haram (western education is forbidden). As such, they preferred to enrol their wards into the traditional schools i.e. *Makaranta Allo* for religious education, where their Islamic identity would be secure. At that time, the concept was mainly a mere expression of abhorrence of western system of education which did not go beyond attitudinal trend.⁸ In other words, the concept was not associated with violence of life and property at that material time

However, the concept assumed the militant status only in 2009. Reasons for this deadly graduation from a peaceful trend to a violent one could be controversial. However, the extra-judicial killing of the group leader, Muhammad Yusuf in 2009 can be regarded as the immediate cause that unveiled the violent posture of the group. The group went beyond passive negative attitude towards western education to declare jihad against anything that has to do with western systems. It seeks to replace the western system of government, namely, democracy, with an Islamic system of government where the Shari'ah law would be fully implemented.⁹ Till date, the group has carried out deadly attacks on the people of Nigeria with wanton loss of lives and properties. The worst hit part of the country is the North-east, precisely Yobe, Maiduguri the birth place of the group.

It is however suggested that there are three types of Boko Haram, namely religious Boko Haram, criminal Boko Haram and political Boko Haram. The first type refers to the Muhammad Yusuf led group that is bent on challenging western heritage in Nigeria especially its education system, and anxious of establishing an Islamic state. The second type consists of miscreants and hoodlums who harass people and rob them of their valuables under the guise of Boko Haram. The third type is believed to be unscrupulous politicians that promote violence and unleash terror on the innocent citizens to achieve certain political goals, namely

⁸ See Eleshin, AbdulWahab, Muhammad Jamiu, "Legitimization of *Boko* Within the Concept of the Shari'ah" Islamic Quarterly, Vol 57, No 4, p.300

⁹ Abu Yusuf, Muhamad Ibn Yusuf, *Hadhihi 'Aqeedatuna wa Manhajuna*, (Maiduguri: Maktabah al-,Arbai li al-Tab" wa al-Nashr wa al-Tawzi", 2nd edn., 1430 AH), pp 63.Ibrahim Jamiu Otuyo, *al-Shabab wa Bina al-Ummah: Dawlah Naijiriya Numuzajan*, (Cairo: Mu"assasah al-Mukhtar li al-Nashr wa al-Tawzi", 1435 AH/ 2015 CE), p.122

to justify the necessity for special or extra-ordinary security vote to tackle the insurgency or to make the state ungovernable for governors in whose states the insurgents are wreaking havoc, destroying life and property of the innocent citizens.

Ever since her emergence, the identity of the group has remained ambiguous; while some analysts believe that the group is politically motivated, some others opine that it has religious undertones. The latter identity seems to be widely, but wrongly accepted by the general public. The fact that the group always claims to be speaking and fighting for Islam is often cited as proof. This wrong identification of the group with Islam necessitates the study of sanctity of life and property in the religion with a view to exposing the falsehood embedded in the claim. Both the Qurʾān and Sunnah are replete with principles that expound on the sanctity of life and property. In actual fact, in Islam, these two things among others constitute inalienable human rights which every man must enjoy naturally as highlighted above.

Sanctity of Life and Property in Islamic Law

As established above, religion, life, intellect, progeny, and property are sacrosanct in Islamic law. However, in the present paper, life and property shall be our focus. The idea is to explain both rights with a view to highlighting their significance as well as measures put in place by the Lawgiver to ensure their protection against any form of violation. Thus it shall be clear that the claim that the group is fighting for Islam is not only baseless but illogical.

a. Protection of Life

Basically, human life is composed of two major elements: body and soul. The latter is spiritual in nature while the former is material and each has a peculiar role and importance. These two elements must be protected and preserved if a meaningful life is to be realized. The protection and preservation of either element must not be at the expense of its counterpart. In Islam body - though a material entity – is not to be subjected or exposed to danger. Neither is it acceptable for one to be totally preoccupied with body while being neglectful of or indifferent about the soul. To ensure smooth interplay, equilibrium must be maintained between both. This explains why the Sharīʿah has laid down various rules and regulations with the sole purpose of ensuring harmonious relationship between body and soul for the overall good of human life.

It seems that, some classical scholars in their expositions of life as a necessary universal of the Sharīʿah paid less or no attention to the soul as one of the two important elements that constitute human life. The body component seems to have enjoyed more

attention in their expositions. This explains why they made constant reference to prescription of punishment as a measure to protect human life.¹⁰ Accordingly, murder, the act of taking life intentionally and unjustifiably is punishable by retaliation (*qiṣāṣ*).

However, the truth of the matter is that the Sharī‘ah seeks to preserve soul not only by the means of prescribing punishment against its violation, but also by commanding Muslims to continually remember the Creator¹¹ to be conscious and thoughtful of Him in every act, small or big. Soul purification is a very necessary measure to preserve the spiritual element of human life. Man’s failure to purify his soul will ultimately spell a doom on his entire life, and subsequently, he will be a loser in the day of resurrection.¹² Man’s ability to nurture and discipline his soul will truly elevate him to the highest state of spiritual satisfaction thereby becoming *al-Nafs al-Muṭma’innah* (The Secure Self)¹³, while his failure in this regard will see his soul becoming *al-Nafs al-Ammārah bi al-Sū’i* (The Commanding Self)¹⁴. Whereas his persistent struggle to curtail and gain control over his soul indicates that his soul is at the mid-state known as *al-Nafs al-Lawwāmah* (The Blaming Self)¹⁵. These are three categories and states of human soul as deduced by the scholars from their extensive readings of the Glorious Book and the Prophetic Traditions.¹⁶

While soul is thus preserved and strengthened through many devotional cum spiritual measures, its counterpart i.e. body is also be preserved through various rules that have been legislated by the Lawgiver. Thus essential needs like cloth, shelter, food, drink, sleep, sexual gratification (through legitimate marriage), and other lawful things on earth have been permitted for man in order to live a happy life.

Therefore, as an amalgam of soul and body, human life is generally regarded by Islamic law as sacred and inviolable.¹⁷ It is a grievous sin to terminate human soul without a legal justification. According to Allah (SWT) to terminate human life without justification is akin to killing the entire human race.¹⁸ In addition, the Prophet (SAW) has described blood as

¹⁰See AbdulMajeed al-Najjar, *Maqāṣid al-Sharī‘ah bi ab‘ādJadīdah*,(Beirut: Dār al-Garb al-Islāmī, 2006 CE) p.122

¹¹SeeQ13:28: “Those who believe, and whose hearts find satisfaction in the remembrance of Allah. for without doubt in the remembrance of Allah do hearts find satisfaction”

¹²See Q91:7-10 “By the Soul, and the proportion and order given to it. And its enlightenment as to its wrong and its right. Truly he succeeds that purifies it, And he fails that corrupts it”

¹³ Consider for instance Q89:27-28 “To the righteous soul will be said:) “O (thou) soul, in (complete) rest and satisfaction!. “Come back thou to thy Lord,- well pleased (thyself), and well-pleasing unto Him!”

¹⁴Consider for instance Q12:53 “Nor do I absolve my own self (of blame): the (human) soul is certainly prone to evil, unless my Lord do bestow His Mercy: but surely my Lord is Oft- forgiving, Most Merciful”.

¹⁵Consider for instance Q75:2 “And I do call to witness the self-reproaching spirit: (Eschew Evil)”.

¹⁶For details on soul see al-Ghazālī, *Iḥyā’u’Ulūm al-Dīn*,(Beirut: Dār al-Kutub al-‘Ilmiyyah, 3rdedn, 1423 AH-2002 AD), v. 3, p.3 and beyond.

¹⁷Consider for instance Q17:33 “Nor take life - which Allah has made sacred - except for just cause. And if anyone is slain wrongfully, we have given his heir authority (to demand qisas or to forgive); but let him not exceed bounds in the matter of taking life; for he is helped (by the Law)”

¹⁸Consider for instance, Q5:32 "On that account: We ordained for the Children of Israel that if any one slew a person - unless it be for murder or for spreading mischief in the land - it would be as if he slew the whole people: and if any one saved a life, it would be as if he saved the life of the whole people. Then although there came to them Our apostles with clear signs, yet, even after that, many of them continued to commit excesses in the land"

one of the three inviolable rights belonging to every individual, which must not be abused.¹⁹ More so, infanticide, that is, the barbaric act of burying female child alive which was prevalent during the period before the advent of Prophet Muḥammad (SAW) has been utterly condemned in Islam.²⁰ Likewise, euthanasia and suicide²¹ practices are against the sanctity and inviolability of life as enshrined in the Sharīʿah.

The more practical and stringent measure taken by the Sharīʿah to safeguard human life against violation and abuse is the prescription of harsh punishments against homicide and bodily harm (i.e. *jināyāt*). In Islamic penal system, there are five types of homicide, namely: intentional or premeditated homicide (*qatlʿamad*), quasi-intentional killing (*shibhʿamad*), accidental killing (*khaṭaʿ*), what is considered to be like the third type (*mā jarā majrā al-khaṭaʿ*), and indirect killing (*al-qatl bi al-tasabbub*). In each instance, specific punishments should be carried out on the offenders, with the first one incurring the most severe. If the murder has been proved beyond a reasonable doubt to be of premeditated type, the murderer faces retribution punishment (*qiṣāṣ*) or compensation (*ḍiyah*).²² In the case of bodily harm, however, the victim will be given two options, namely, retaliation or financial compensation (*arsh*).²³ These measures serve as punitive for the offender as well as deterrent for everyone in the society.

As a final point, human life is so precious in the estimate of the Sharīʿah that in extreme cases (i.e. *ḍarūrah*,²⁴ when his life is at stake) Man is allowed to eat or drink forbidden types of food or medications and to wear what is considered by the Shariʿah to be unlawful. He is also allowed to utter words of disbelief under duress when faced with death threat. But while making such disbelief statement, his conviction must be intact, unshaken.²⁵

¹⁹The Ḥadīth goes thus: "everything about a Muslim may not be violated by a fellow: his blood, dignity, and property" al-Bukhārī, AbūʿAbdullah Muḥammad bn Ismāʿīl, *Ṣaḥīḥ al-Bukhārī: al-Jāmiʿ al-Ṣaḥīḥ al-Mukhtaṣar*, ed. MuṣṭafāDīn al-Bugā, (Beirut: Dār Ibn al-Kathīr, 1987, 2ndedn.), vol.1, p.37.

²⁰Consider Q17:31 " Kill not your children for fear of want: We shall provide sustenance for them as well as for you. Verily the killing of them is a great sin".

²¹Euthanasia is the practice of killing without pain a person who is suffering from a disease that cannot be cured, while suicide is the act of killing yourself deliberately. Both acts are forbidden in Islam based on Q4:29-30 "O ye who believe! Eat not up your property among yourselves in vanities: But let there be amongst you Traffic and trade by mutual good-will: Nor kill (or destroy) yourselves: for verily Allah hath been to you Most Merciful! If any do that in rancour and injustice,- soon shall We cast them into the Fire: And easy it is for Allah". and Q2:195 "And spend of your substance in the cause of Allah, and make not your own hands contribute to (your) destruction; but do good; for Allah loveth those who do good".

²²The word *ḍiyah* is usually, but wrongly, translated as 'blood money'. This is incorrect. In the Oxford English Dictionary, 'blood money' means 'a reward for bringing about the death of another'. As such the word 'compensation' is more appropriate. See Muhammad Abdel Haleem, 'Compensation for Homicide in Islamic Sharīʿa', in Criminal Justice in Islam: Judicial Procedure in the Sharīʿa, ed. Muhammad Abdel Haleem, et al, (London-New York: I.B. Tauris, 2003) p. 100

²³Hallaq, B. Wael, *Sharīʿah: Theory- Practice-Transformation*, (New York: Cambridge University Press, 2009), p. 320-322

²⁴Consider for instance Q2:173 "But if one is forced by necessity, without wilful disobedience, nor transgressing due limits,- then is he guiltless. For Allah is Oft-forgiving Most Merciful".

²⁵Q16:106 "Anyone who, after accepting faith in Allah, utters Unbelief,- except under compulsion, his heart remaining firm in Faith - but such as open their breast to Unbelief, on them is Wrath from Allah, and theirs will be a dreadful Penalty". IbnʿAbbās reported that this verse was revealed with respect to ʿAmmār bn Yāsir who was forced by the infidels to utter words of belief. When he informed the Prophet (SAW) of the incident, he assured him that there was no problem about his faith as long as his conviction was intact in his heart. See

This legal license (*rukhsah*) of allowing what is otherwise prohibited has given rise to a popular principle in Islamic jurisprudence to the effect that: Necessity renders unlawful things permissible (*al-ḍarūrāt tubīḥ al-maḥẓūrāt*). Nonetheless, scholars have stipulated conditions that regulate this legal license in order to avoid abuse. That is, the principle of necessity may not be invoked arbitrarily without considering the following: the threat to his person must be real and imminent; he must have exhausted all lawful means with no avail before resorting to legal license; hunger, thirst and sickness must have been confirmed to be very terrible and unbearable before unlawful food, drink and medication can be taken. Finally, and he is only permitted to eat, drink, and take of drug only the minimum amount that will sustain him etc.²⁶ All this is to ensure that human life is protected.

b. Right to Property

Property or money is regarded in Islam as a material necessity for man with which to meet his insatiable needs. Clothing, shelter, and food are essential needs for human survival and sustenance. Generally, the word “money” is used to denote gold and silver and property owned by individuals. For the Arabs, money refers to camel mainly due to the fact that it is the most common livestock in their region. In the modern day however, currency, paper money or gold and silver readily come to mind when the word “money” is mentioned.²⁷ But, in a broader Islamic parlance, money entails material wealth that includes fertile land and everything that grows on it like crops and trees, as well as animals that feed on it. It also denotes all kinds of property that can be purchased and acquired.²⁸

Acquisition of money in this broader sense is among fundamental human rights which the Sharīʿah has granted every human being. It must be earned however through legitimate means in accordance with the dictates of the Lawgiver. To this end, the Islamic law has approved various financial transactions and contracts among people in order to ensure an even circulation of money. Trade and commerce, rent, lending, gift, endowment are some financial transactions through which money can be circulated. These transactions are regulated so that injustice and mischief can be checked. Nevertheless, transactions in forbidden things like swine, blood, and alcohol are utterly against the Islamic principles. Likewise, uncertainty in the contractual transactions (*gharar*) and usury (*ribā*) are unlawful according to Islamic law, just as dubious means of earning money e.g. forgery, fraud, etc. are also forbidden. In essence, Islam decrees that money must be earned through various lawful financial transactions as mentioned above. In addition, taking possession of property that belongs to others unduly contradicts the Sharīʿah principle of justice and equity. This explains why theft has been forbidden and amputation as a punitive measure has been sanctioned

Ibn Kathīr, *Tafsīr al-Qurʿān al-ʿAẓīm*, p. 358

²⁶Al-Zuhaylī, Wahbah, *Naẓariyyah al-Ḍarūrah al-Sharʿiyyah: Muqāranatanmaʿ al-Qānūn al-Waḍʿī*, (Beirut: Dār al-Fikr al-Muʿāṣir and Damascus: Dār al-Fikr, 4thedn., 1997), pp. 65-68.

²⁷Al-Kibīyy, Saʿd al-Dīn Muhammad, *al-Muʿāmalāt al-Māliyah al-Muʿāṣirah*, (Beirut-Damascus-Oman: al-Maktab al-Islāmī, 1423 / 2002), p.15

²⁸Ammarah, Muhammad, *Qāmūs al-Muṣṭalahāt al-Iqṣādiyyah fī al-Ḥaḍarah al-Islāmiyyah*, (Beirut-Cairo: Dār al-Shurūq, 1413/1993), p. 503

against thief.²⁹ In the same vein, banditry, robbery, and property vandalization are all forbidden as far as Islamic law is concerned.

Not only did the Shari'ah prohibit unlawful possession of other people's properties, it also prohibits individuals against abusing or squandering their properties. In a Qur'anic passage³⁰, Allah has regarded those who spend their money in an extravagant manner as 'brothers' of the Satans, whom have been severely cursed.

Conclusion:

The foregoing has been an exposition of life and property as fundamental human rights in Islamic law. But despite the sacredness of these goals, they are often prone to violation and abuse in virtually all human societies. A case in point is Nigeria where about a decade ago a militant group named Boko Haram emerged. The group's name is a combination of Arabic and Hausa languages which means 'western education (Boko) is prohibited (Haram). Basically, the group is believed to be strongly averse to western civilization in all ramifications; thus western education, democracy, capitalist economic system are all considered un-Islamic by the group. These western systems are so despised because they are alleged to be responsible for corruption which has pervaded the entire socio-political aspects of the country. So, as a permanent solution to the colossal problem occasioned by the western systems, the group desires to supplant the existing socio-political systems with a full-fledged Islamic caliphate. In essence, the group claims to be fighting for the course of Islam and employs violent means to achieve its agenda. The group became especially violent as a result of extra-judicial killings of its leader and some other members by the military officers in 2009. Consequently, the Northern part of the country becomes the epicentre for the group's incessant brutal killings of innocent children, women and old men.³¹

Unfortunately, these killings are being perpetrated by the group under the guise of *jihad*. But the truth of the matter is that the concept of *jihad* negates the random killing of innocent people and destruction of properties. At both theoretical and practical levels, the concept of *jihad* is often misunderstood by Muslims and non-Muslims alike. It is a noble concept by which injustice and oppression are repressed; and it is a medium to restore peace and stability in the society. This explains why Muslims and objective minds among non-Muslims who understand the basic precepts of Islam all condemn the group as un-Islamic and inhuman. Although, western media always portrays the group as Islamic, it is clear from the indiscriminate attacks of innocent people by the group that it does not represent Islam in any way. This is because its violent activities and wanton destruction of life and property negates the Islamic law which aims at the protection of life and property among other objectives.

²⁹This is according to Q5:38 "As to the thief, Male or female, cut off his or her hands: a punishment by way of example, from Allah, for their crime: and Allah is Exalted in power"

³⁰See Q 17: 26-27 "...but squander not (your wealth) In the manner of a spendthrift. Verily spendthrifts are brothers of the evil ones; and the evil one is to His Lord (himself) ungrateful".

Surprisingly, till date, almost all the attacks carried out by the group took place in the Northern part of the country with predominantly Muslim population. So it is absurd that a group believed to be advancing the course of Islam would seek to reduce the Muslim population with incessant indiscriminate attacks! More absurd is for a genuine Islamic group to take innocent lives with no just cause! As emphasized above, lives and properties are sacred in Islamic law. They may not be taken or squandered except with legal justifications. For they are rights to be enjoyed by every human being irrespective of sex, race, religion, and social status. So no Muslim whether an individual or a group would dare to terminate human life or destroy properties.